

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:22CR00403 HEA
	)	
MARK ANTHONY DIGGS,	)	
	)	
Defendant.	)	

**MOTION OF THE UNITED STATES  
FOR A FINAL ORDER OF FORFEITURE**

COMES NOW the United States of America, by and through its attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, Jonathan A. Clow, Assistant United States Attorney for said District, and moves this Court to issue a Final Order of Forfeiture in the above-captioned case. In support thereof, the United States sets forth the following:

1. On July 11, 2023, this Court entered a Preliminary Order of Forfeiture against Defendant Mark Anthony Diggs that included a forfeiture money judgment against Defendant and in favor of the United States in the amount of \$217,500.00.
2. Defendant was sentenced on July 18, 2023.
3. Pursuant to Federal Rule of Criminal Procedure 32.2(b)(4)(A), the Court's Preliminary Order of Forfeiture became final as to the Defendant upon sentencing.
4. Federal Rule of Criminal Procedure Rule 32.2(c)(1) provides that "no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment."

5. In addition, because the Preliminary Order of Forfeiture does not include any specific property, notice to third parties is not required under Federal Rule of Criminal Procedure 32.2(b)(6)(A).

6. Because there are no third-party interests to adjudicate and because no ancillary proceeding is required, the Preliminary Order of Forfeiture should therefore be made final.

7. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States also requests authority to conduct any discovery permitted by the Federal Rules of Civil Procedure in order to identify, locate, or dispose of any property subject to forfeiture under this order, including depositions, interrogatories, subpoenas, and requests for production.

WHEREFORE, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, the United States moves this Court for a Final Order of Forfeiture entering a forfeiture money judgment against the Defendant and in favor of the United States in the amount of \$217,500.00. The United States submits herewith its proposed Final Order of Forfeiture.

Dated: November 9, 2023

Respectfully submitted,

SAYLER A. FLEMING  
United States Attorney

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